

Recommendation Report for Planning Permission

REF NO: BR/257/19/PL

LOCATION: The Royal Hotel
The Esplanade
Bognor Regis
PO21 1SZ

PROPOSAL: Refurbishment, external alterations, extensions & reconfiguration of previously permitted conversion to rebuild ground floor A3 restaurant & provide a total of 27 flats. This application affects the character & appearance of The Steyne, Bognor Regis, Conservation Area (resubmission of BR/326/18/PL)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This is a full application (not a variation of condition) and so it is necessary to consider the amended scheme as a whole. However, as this is a resubmission of an application which was approved in April 2019, it is not considered necessary to go over the detail of the previous application and we therefore provide detail only in respect of the changes (which concern the lower ground, ground, first, second and third floors and their corresponding elevations). The amendments are as follows:

Lower Ground Floor:

Change to the internal arrangements of the Residential Bin & Cycle Store;
Two new high level (albeit appearing externally as ground level) windows on the North elevation;
Different arrangement for the internal stairs (note that this continues up through multiple floors);
Different arrangement for the restaurant floor area;
Different arrangement for the Restaurant bin enclosures;
Replacement of the existing nib walls with new walls in the western part of the building;

Ground Floor:

Different arrangement for the restaurant floor area;
Change to the restaurant glazing design;
Steps & door to the restaurant changed from south to west elevation;
Four new windows on the north elevation;
New planted areas and new low level gate to front southern elevation;
Replacement of the existing nib walls with new walls in the

western part of the building;

First Floor:

Enlargements to the balcony for flat 10 (southern elevation);
New small roof terrace for flat 9 with glazed balustrade (on the western elevation);
Replacement of the existing nib walls with new walls in the western part of the building;

Second Floor:

Flat 20 gains a 2nd bedroom in place of kitchen/lounge;

Third Floor:

Zinc lined mansard roof extension with dormer windows above flat 20 to create new kitchen/lounge space for flat 20 with glazed balustrade roof terrace to side (northern elevation). This replaces an existing pitched roof and three chimneys;

SITE AREA	0.1 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	270 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	None.
SITE CHARACTERISTICS	The application site comprises a three storey 1830's Victorian hotel located on the Esplanade looking out over the seafront. The hotel is largely a stand-alone building but does share a party wall with the smaller Pixie Hotel on the eastern side. Part of the hotel incorporates a former bar/nightclub "Jack Rabbit Slims" on the western side. The hotel does not benefit from any off-street allocated parking but there is a general use pay-at-machine parking bay on the Esplanade right outside the hotel suitable for 6-7 cars.
CHARACTER OF LOCALITY	This is a seafront location and part of a mixed residential and commercial area. The site forms part of the "Bognor Regis - The Steyne and Waterloo Square Conservation Area" and is characterised by modest terraces predominantly in stucco.

RELEVANT SITE HISTORY

BR/326/18/PL	Refurbishment, external alterations, extensions & reconfiguration of previously permitted conversion to rebuild ground floor A3 restaurant & provide a total of 27 flats. This application affects the character & appearance of The Steyne, Bognor Regis, Conservation Area	App Cond with S106 29-04-19
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BR/130/17/PL	Change of Use of hotel & function room/licensed bar (C1 Hotel) to 18No. flats (C3 Dwellinghouses). This application affects the character and appearance of The Steyne Conservation Area. Resubmission of BR/155/15/PL	App Cond with S106 26-09-17
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BR/155/15/PL	Change of use of redundant hotel & function room/licensed bar (C1 Hotel) to 10 No. flats (C3 Dwelling houses). This application affects the character & appearance of The Steyne Conservation Area.	App Cond with S106 25-11-15
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BR/326/18/PL was granted in April 2019 and allowed for conversion and extension to achieve 27 residential flats plus a new restaurant. The scheme proposed the following:

- (a) Removal of the 1970's fenestration to Jack Rabbit Slims and replacement with a simpler fenestration to match the proposed two storey extension above and complements the existing
- (b) Two storey extension above the Jack Rabbit Slims with as Mansard Roof at third floor set in to enable a balcony;
- (c) Change of use of Jack Rabbit Slims to a class A3 restaurant over two floors (ground & lower ground);
- (d) Reinstatement of the bay window to the ground floor to the west of the main entrance to the new apartments;
- (e) Reinstatement of the partially sunken amenity spaces to the existing lower ground level together with removal of the unsightly concrete wall and planters;
- (f) Reworking of the roof to the far eastern side of the former Hotel (addition of a mansard roof to allow accommodation within the roof);
- (g) Addition of conservation rooflights and small dormer windows to the former Hotel's main roof; and
- (h) Replacement of all windows with sash style window units.

This decision was granted with a Section 106 legal agreement relating to (1) a contribution of £36,800 towards the provision of affordable housing elsewhere in the district; and (2) a contribution of £14,807 towards the provision of accessible natural open green spaces to serve the Pagham area.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

"No objection"

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted

CONSULTATIONS

Conservation Officer
WSCC Strategic Planning
Environmental Health
Southern Water Planning
Engineers (Drainage)
Engineering Services Manager
Sussex Police-Community Safety
Economic Regeneration

CONSULTATION RESPONSES RECEIVED:

SOUTHERN WATER - No further comment.

SUSSEX POLICE - No objection - recommend measures to improve security of the accommodation.

WSCC HIGHWAYS - State that "In principle there would be no material changes to the comments previously provided by the LHA in January 2019. It is therefore advised these comments are applied to this latest application."

ADC DRAINAGE ENGINEERS - State that: "Due to the scale, location and type of application we have no conditions to request. Any alterations to surface water drainage must be designed and constructed in accordance with building regulations."

ADC ENVIRONMENTAL HEALTH - State that: "EH have no comments to add but would please like to reiterate the conditions already in place for approved application ref. BR/326/18/PL for the same property".

ADC CONSERVATION OFFICER - Has concerns with the application as set out below. Concludes that the impact can be described as causing less than substantial harm and as such it is necessary to consider whether the public benefits outweigh the harm.

- Extensive alterations have already been approved to the building and this application requires further numerous alterations;
- The proposal reflects the new elements of the extant approval in terms of appearance and materials;
- However, the loss of some chimneys and the alteration to an element of the existing roof is a concern as it will result in a further loss of historic fabric;
- These chimneys & roof are on the northern elevation and visible from Market Street on which the hotel acts as a focal point;
- The chimneys especially form an attractive feature which form part of the character of the area;
- Whilst in poor condition, it is considered that if this element of the building is enhanced, as per the existing approved plans, it will have a positive impact upon the character of the area;
- At present it is considered that the loss of these chimneys would be harmful to the building and local area; and
- Likewise, have concerns over the significant increase in the number of doors on the northern elevation which will provide bin storage. It is not clear why one door could not be used to service the area.

CONSERVATION AREA ADVISORY PANEL (CAAP) - Object on the grounds of the loss of the existing chimneys and roof forms as this would impact adversely on the original building and detract from the street views as seen from Market Street, Manor Place and the Steine. State therefore that the proposal is in conflict with the NPPF and Arun Local Plan policies HER DM3, D SP1 and D DM1.

COMMENTS ON CONSULTATION RESPONSES:

All comments noted.

The applicant responded to the objection from CAAP to say that:

- The proposed new mansard roof is subservient to the main hotel, uses sympathetic materials consistent with the previously-approved design solutions, and improves the appearance of the dilapidated and neglected rear extension of the building;
- The historic fabric and boundary of the rear portion of the building would remain intact and the addition respects the architectural interest of the main building;
- The chimneys to the main building shall remain intact;
- NPPF 2019 Paragraph 192 states that new development can make a positive contribution to local character and distinctiveness;
- The street views from Manor Place and Market Street are at present negatively affected by the very plain, utilitarian rear aspect of the hotel. This addition will benefit the locality and improve these street views by improving and activating this facade;
- This also has the benefit of improving security to the surrounding properties by adding natural/passive surveillance to both Manor Place and Market Street;
- The street views from the Steyne are very minimal; only a very small portion of this proposal can be seen when one is standing at the very entrance to Manor Place so will not have an impact on the character of this street; and
- The proposed minor adjustments do not 'harm' the Conservation Area, rather they provide design cohesion to the building whole and allow the building to sit comfortably within its historic context.

POLICY CONTEXT

Designations applicable to site:

Within the Built Up Area Boundary;
 Class C Road;
 Conservation Area;
 Building of Special Character;
 No Public Sewer; and
 Pagham Harbour Zone B.

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM2	ENV DM2 Pagham Harbour
HDM1	H DM1 Housing mix
HERSP1	HER SP1 The Historic Environment
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERDM3	HER DM3 Conservation Areas
HSP1	HSP1 Housing allocation the housing requirement

QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
SDSP2	SD SP2 Built-up Area Boundary
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TOUDM1	TOU DM1 Tourism related development
TSP1	T SP1 Transport and Development
HWBSP1	HWB SP1 Health and Wellbeing
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WDM4	W DM4 Coastal Protection
WMDM1	WM DM1 Waste Management

Bognor Regis Neighbourhood Plan 2015 Policy 1	Delivery of the Vision
Bognor Regis Neighbourhood Plan 2015 Policy 2	Promoting the Seaside Identity

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD2	Conservation Areas
SPD9	Buildings or Structures of Character

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

Bognor Regis Neighbourhood Plan policies 1, 3 and 8b are considered to be relevant.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under

the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal as revised is considered to conflict with Development Plan policies regarding the protection of existing hotels and partially in respect of policies to protect heritage assets but would comply with all other Development Plan policies in that the change of use from hotel to residential flats and restaurant would have no materially adverse effect on the visual amenities of the locality, the residential amenities of the adjoining properties or on highway safety considerations.

OTHER MATERIAL CONSIDERATIONS

It is highly material that there is extant planning permission in place for the refurbishment, alteration, extension and reconfiguration of the building to rebuild the ground floor A3 restaurant and provide a total of 27 flats. Furthermore, this permission was granted only very recently and under the same development plan documents.

CONCLUSIONS

PRINCIPLE:

The site benefits from an extant planning permission and this proposal seeks only to make relatively minor alterations to the internal arrangements and external elevations. The main change is the addition of a mansard roof extension and roof terrace on the north elevation at the expense of existing pitched roof and three chimneys. There is no change to the number of flats or the number of bedrooms per flat.

It is therefore only considered necessary to assess the impact of the proposed changes on the character/appearance of the building & the surrounding area, on the existing heritage assets and on the amenity of nearby residents.

It is not necessary to reconsider issues concerning loss of the hotel, parking provision, noise pollution, internal/external space standards (especially noting that some flats are being made larger or given new/more external amenity space), affordable housing or the impact on the Pagham Harbour Special Protection Area as these were considered in the previous determination and the previous Section 106 Agreement is to be amended so as to also apply to this planning permission.

HERITAGE ASSETS:

The Royal Hotel is a locally designated Building of Character and sits within the Steyne Conservation Area. Arun Local Plan policy HER DM3, sets out the following (relevant) criteria in respect of development affecting Conservation Areas:

- (b) Alterations or additions to existing buildings are sensitively designed, constructed of appropriate materials and are sympathetic in scale, form and detailing and retain or emphasise the features and qualities of the existing buildings, townscape or streetscape in the area;
- (c) Traditional features such as shop fronts, walls, railings, paved surfaces and street furniture are retained and restored;
- (d) Unsympathetic features are removed and missing features are restored or reinstated; and
- (f) It does not harm important views into, out of or within the Conservation Area.

Policy HER DM2 is also relevant and states that alterations or extension of Buildings of Character will be expected to relate sensitively to the building or structure and its setting and respect its architectural, landscape or historic interest. Also that features of such buildings which contribute to these interests will

be preserved.

Bognor Regis Neighbourhood Development Plan (BRNDP) policies 1 and 2 are relevant and state that:

Policy 1 (Delivery of the Vision): "Development Proposals concerned with extensions and alterations of Designated and Non-designated Heritage Assets and Major Developments should demonstrate how proposed changes will support the delivery of relevant Neighbourhood Development Plan Objectives and our Vision for Bognor Regis. Proposals must identify the significance of any affected heritage asset and assess any harm and benefit. These should be included within the design and access statement if one is required."

Policy 2 (Promoting the Seaside Identity): "Development Proposals within the 'Wider Town Centre Area' and concerned with extensions and alterations to the exterior of Designated and Non-designated Heritage Assets and their settings must adhere to a 'Secure, restore and boost our seaside identity first' principle by echoing and responding eloquently and innovatively to the local built environment character and setting."

Paragraph 189 of the National Planning Policy Framework (NPPF) requires applicants to describe the significance of any heritage assets affected, including any contribution made by their setting. Paragraph 190 then requires that Local Planning Authorities identify and assess the particular significance of the heritage asset that may be affected by a proposal. It is then necessary to consider the level of harm associated with the proposal and if there is 'less than substantial harm' or 'substantial harm' it is necessary to assess the level of public benefit (paragraphs 193-196).

Consideration should also be taken of section 72 (1) of the "Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) which requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of that area.

The applicants have not supplied a Heritage Statement and have instead relied on the Design & Access Statement as submitted with the previous application which does not appear to have been updated so has little value in this determination. However, notwithstanding the Council's Conservation Officer has detailed knowledge of this site and has been able to form a view on the proposals despite there not being a Heritage Statement.

The Conservation Officer's opinion on the previous application was that the changes would have a positive impact upon the character and appearance of the conservation area; and that the new addition on the western side would have a neutral impact on the same considerations. At that time, it was not necessary to consider public benefits as the impact was not considered to be either 'substantial' or 'less than substantial' (indeed, the opposite).

However, the Conservation Officer has concerns with some elements of this new proposal (the loss of the chimneys & pitched roof and the addition of further ground level doors all on the northern elevation). It is considered that these changes result in less than substantial harm to the heritage assets. The proposal would also conflict with parts of policies HER DM2 and 3 in respect of the loss of existing features which contribute to the character of the building and the streetscape. There would also be conflict with section 72 (1) of the "Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) in respect of the impact on the character of the Conservation Area

Paragraph 196 of the NPPF states that if a proposal would lead to less than substantial harm to the significance of the assets, then this harm should be weighed against the public benefits of the proposal. In this case, it is considered that the proposed alterations when considered alongside those alterations/extensions already approved will result in the following benefits:

- Bringing the building back into use;
- Bringing activity back to this part of the Conservation Area;
- Restoring other parts of the existing building including previously hidden features such as the views of the basement from the front; and
- Providing new residential accommodation with associated social & economic benefits.

It is considered that on balance, these public benefits are such that the less than substantial harm to the heritage assets and the conflict with the related development plan policies is outweighed and that therefore the proposal, as amended, can be considered acceptable in respect of heritage assets.

DESIGN CONSIDERATIONS:

Policy D DM1 of the Arun Local Plan requires that the Council seek to make the best possible use of land by reflecting or improving upon the character of the site and the surrounding area. It requires the Council to consider scale, massing, aspect, siting, layout, density, building materials, landscaping, and design features. It is necessary that development demonstrates a high standard of architectural principles, use of building materials and hard and soft landscaping to reflect the local area. In terms of density, D DM1 requires that housing makes efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. The policy requires the scale of development keep within the general confines of the overall character of a locality.

ALP policy D SP1 "Design" requires development to make an efficient use of land and also reflect local character. Policy D DM4 requires that extensions/alterations: sympathetically relate to and are visually integrated with the existing building in siting, massing, design, form, scale & materials; are visually subservient to the main building & provide a high standard of amenity; do not create a terracing effect where no terrace exists; and do not compromise the established spatial character & pattern of the place.

The proposed new alterations/extensions are considered to be subservient additions as they do not increase the height of the building as a whole and their scale does not encompass the whole of the building. It is also considered that the extensions/alterations will be sympathetic to the existing appearance and will use design/material choices which either match with the existing building or reflect the sympathetic changes that have already been approved by BR/326/18/PL.

Overall, it is considered that the proposals are in accordance with policies D DM1, D SP1 and D DM4.

RESIDENTIAL AMENITY:

Policy D DM1 requires the Council have regard to certain aspects when considering development including having minimal impact to users and occupiers of nearby property and land. Policy D DM4 requires that extensions/alterations: do not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties. Policy QE SP1 states: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity".

It is considered that the following changes since the approval of BR/326/18/PL have the potential to affect the amenity of existing residents:

- (1) Different arrangement for the restaurant bin enclosures at lower ground/ground floor;
- (2) Four new windows on the north elevation at ground floor;
- (3) Enlarged balcony for flat 10 on the southern elevation at first floor;

- (4) New small roof terrace for flat 9 on the western elevation at first floor;
- (5) New dormer windows and roof terrace for flat 20 facing north at third floor.

These will now be considered in turn.

(1) Previously, there was to be a single door to the apartments bin store on the western elevation and a single door to the restaurant bin store on the northern elevation. The new proposal is for a shared single bin store on the northern elevation with multiple doors (7 in total) accessed from Market Street. This has the potential to increase noise (from the use of the doors) and odour pollution to existing residents of Manor Place. The first thing to note here is that the Councils technical experts on matters of pollution (Environmental Health) have not raised any objections to the amended scheme.

It is also noted that there only two residential windows at ground floor which will face the bin store doors and these windows are less than 1m from a road/public thoroughfare & within very close proximity to the existing hotel wall and the entrance to the former nightclub. It is not considered that the enlargement of the bin store, necessary for the new uses to function, will result in a materially more harmful increase in noise disturbance beyond that already experienced in this location.

(2) These new windows will serve residential accommodation and may increase overlooking of existing windows on the residential properties opposite. However, existing windows on the residential properties opposite already face onto a road and public thoroughfare with no defensible space. Therefore, these windows are already overlooked by passers-by and it is considered that existing residents will likely have these windows protected by blinds/curtains. It is also noted that the new windows have a sill level of at least 1.7m and as such they are higher than the existing windows opposite. This means that there will not be a direct line of sight. It is therefore not considered that these new windows will not materially worsen the existing residents level of privacy.

(3) This enlarged balcony faces south towards the sea and west over a part road/part landscaped amenity area. The nearest residential windows to the west are considered to be too far away to be affected by any overlooking from the enlarged balcony.

(4) A new approximate 2m by 2m roof terrace is to be added to the western elevation at first floor. However, as with (3), the nearest residential windows to the west are considered to be too far away to be affected by any overlooking from this new external space.

(5) These new dormer windows (serving a kitchen/lounge) will allow views north towards Manor Place and Market Street. The roof terrace will allow similar views but also to the north west and west. However, given that the windows/roof terrace are at third floor level (so in the fourth storey) and that the residential buildings opposite are no higher than three storeys, these new windows and roof terrace will look out over existing roof tops and not at any windows. It is noted that there is an existing first floor roof terrace at 1 Market Street. However, this is a distance of 20m from the new windows (therefore slightly further from the edge of the proposed roof terrace) and is part obscured by the flank wall of 4 Manor Place. As such it is not considered that there will be any adverse overlooking of the existing terrace.

The proposal is therefore considered to be in accordance with ALP policies D DM1, D DM4, QE SP1 and QE DM1.

SUMMARY:

There is some conflict with the relevant heritage policies in respect of the removal of the pitched roof and chimneys on the northern elevation. However, this conflict and the 'less than substantial harm' is outweighed by the significant public benefits that the proposed redevelopment as a whole would bring

about.

The proposed additional alterations/extensions are considered to be acceptable in all other respects and as such it is recommended that the application be approved in accordance with the following conditions and the signed S.106 legal agreement.

It should be noted that the S106 is that from the previous application, BR/326/18/PL, which has been amended through a Deed of Variation to ensure that it will also apply to this new planning permission.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

SECTION 106 DETAILS

This decision will be granted in conjunction with a Section 106 legal agreement relating to (1) a contribution of £36,800 towards the provision of affordable housing elsewhere in the district; and (2) a contribution of £14,807 towards the provision of accessible natural open green spaces to serve the Pagham area.

RECOMMENDATION

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby approved shall be carried out in accordance with the following approved plans:

169/3.000 "Location Plan";
 169/3.010 "Site & Block Plan";
 169/3.202 Rev 03 "Proposed North Elevation";
 169/3.201 Rev 02 "Proposed West Elevation";
 169/3.200 Rev 02 "Proposed South Elevation";
 169/3.100 Rev 03 "Proposed Lower Ground Floor Plan";
 169/3.101 Rev 04 "Proposed Ground Floor Plan";
 169/3.102 Rev 04 "Proposed First Floor Plan";
 169/3.103 Rev 03 "Proposed Second Floor Plan";
 169/3.104 Rev 03 "Proposed Third Floor Plan";
 169/3.105 Rev 02 "Proposed Fourth Floor Plan";
 169/3.106 Rev 03 "Proposed Roof Plan";
 169/3.901 "External Materials";
 169/3.903 Rev 01 "Window Details"; and
 Email dated 08/04/2019 @ 13:25 confirming that the render is to be RAL colour 9003 (Signal White) in a smooth finish; and that all windows will have operable sliding sash function.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D DM1, T SP1, QE SP1, HER SP1, HER DM2 & HER DM3 of the Arun Local Plan.

- 3 No development shall take place, including any works of demolition, until a Construction & Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority (who shall consult with West Sussex County Council and the Councils Environmental Health Officers). Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters

- an indicative programme for carrying out of the works;
- the anticipated number, frequency and types of vehicles used during construction;
- the method of access and routing of vehicles during construction;
- the parking of vehicles by site operatives and visitors;
- the loading and unloading of plant, materials and waste, including permitted times for deliveries;
- the storage of plant and materials used in construction of the development;
- the erection and maintenance of security hoarding, including decorative displays and facilities for public viewing, where appropriate;
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
- Details of the arrangements for public engagement / consultation both prior to and continued liaison during the construction works;
- Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s);
- measures to control the emission of dust and dirt during construction;
- Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination; and
- a scheme for recycling / disposing of waste resulting from demolition and construction works.

Reason: In the interests of the amenity of the occupiers of any nearby noise sensitive

premises, the general amenities of the area and in the interests of highway safety in accordance with policies D DM1, QE SP1, QE DM1, QE DM2, QE DM3 and T SP1 of the Arun Local Plan and the National Planning Policy Framework. This is required to be a pre-commencement condition because it is necessary to have the site set-up agreed prior to access by construction staff. This was agreed by the applicant on the previous application ref BR/326/18/PL.

- 4 None of the approved balcony railings shall be installed unless and until details of their proposed height, finish (colour) and manufacturer/model name have been submitted to and agreed in writing by the Local Planning Authority. The approved balconies shall thereafter be installed in accordance with the agreed details and retained in good condition thereafter.

To enable the Local Planning Authority to control the appearance of the building in detail in the interests of visual amenity and the character/appearance of the Conservation Area in accordance with policies HER SP1, HER DM2 & HER DM3 of the Arun Local Plan and the National Planning Policy Framework.

- 5 No part of the development shall be first occupied until covered and secure cycle storage spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority. Such approved cycle storage spaces shall thereafter be retained in good working condition.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and policy T SP1 of the Arun Local Plan.

- 6 No part of the development shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport in accordance with policy T SP1 of the Arun Local Plan and the National Planning Policy Framework.

- 7 Prior to the first operation of the new class A3 premises, a scheme and maintenance schedule for the extraction and treatment of fumes and odours generated from cooking or any other activity undertaken on the class A3 premises, shall be submitted to and approved in writing by the Local Planning Authority. Any equipment, plant or process provided or undertaken in pursuance of this condition shall be installed prior to the first operation of the premises and these shall thereafter be operated and permanently retained in good working order and in compliance with the approved scheme.

To protect the amenity of local residents in accordance with policies QE DM1 and QE SP1 of the Arun Local Plan and the National Planning Policy Framework.

- 8 None of the new flats shall be occupied unless and until the applicant has submitted a scheme for approval by the Local Planning Authority to demonstrate that the development will incorporate decentralised, renewable and low carbon energy supply systems. The approved scheme shall thereafter be implemented prior to occupation of the flats and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

Reason: To ensure that the development is energy efficient and in accordance with policy ECC SP2 of the Arun Local Plan.

- 9 The class A3 restaurant use hereby permitted shall not be carried on unless and until details

of a suitable provision of sanitary accommodation (in line with the guidelines set out within the Arun District Council document entitled: 'Provision of sanitary accommodation in food businesses') has been submitted to and approved in writing by the Local Planning Authority. The approved sanitary provision shall thereafter be implemented in accordance with the agreed details and permanently retained in good working condition.

Reason: In the interests of maintaining adequate amenity to future customers and employees in accordance with policies QE DM1 and QE SP1 of the Arun Local Plan and the National Planning Policy Framework.

- 10 Details, including acoustic specifications, of all fixed plant, machinery and equipment associated with air moving equipment including fans, ducting and external openings, compressors, generators or plant or equipment of a like kind, installed within the site which has the potential to cause noise disturbance to any noise sensitive receivers, shall be submitted to and approved by the Local Planning Authority before installation of such plant/machinery/equipment. The rating level of noise emitted from the use of this plant, machinery or equipment shall not exceed the measured background sound level when assessed by a competent acoustician using BS 4142:2014, at any adjoining or nearby noise sensitive premises. The approved plant/machinery/equipment shall thereafter be implemented in accordance with the agreed details and permanently retained in good working condition.

Reason: To protect the amenity of local residents in accordance with policies QE DM1 and QE SP1 of the Arun Local Plan and the National Planning Policy Framework.

- 11 All bathroom/toilet windows shall be permanently glazed with obscured glass or have obscure film permanently applied.

Reason: To protect the amenities and privacy of future occupiers and of the adjacent properties in accordance with policy D DM1 of the Arun Local Plan.

- 12 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 13 INFORMATIVE: This decision is subject to the Section 106 legal agreement which was signed and agreed in respect of the original planning application ref BR/326/18/PL and which related to:

(1) A contribution of £36,800 towards the provision of affordable housing elsewhere in the district; and

(2) A contribution of £14,807 towards the provision of accessible natural open green spaces to serve the Pagham area.

- 14 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which is available to read via the following link: <https://beta.southernwater.co.uk/infrastructurecharges>.

- 15 INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit

of the Environmental Protection Act 1990 be received.

For further information please contact the Environmental Health Department on 01903 737500

16 INFORMATIVE: The business is required to apply to the Arun District Council Licensing Team for an operative and / or premises licence before trading. Please contact the Arun District Council Licensing Team Manager at licensing@arun.gov.uk or on (01903) 737755 for further information.

17 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to:

(1) A contribution of £36,800 towards the provision of affordable housing elsewhere in the district; and

(2) A contribution of £14,807 towards the provision of accessible natural open green spaces to serve the Pagham area.